

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WEST VIRGINIA HIGHLANDS CONSERVANCY,

Plaintiff,

v.

Civil Action No. 2:23-cv-06

UNITED STATES FOREST SERVICE, ET AL.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 19]

On December 4, 2023, the plaintiff, West Virginia Highlands Conservancy ("Plaintiff"), filed *Plaintiff's Motion to Supplement and Complete the Administrative Record* [ECF No. 14]. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the motion to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") [ECF No. 15]. On December 11, 2023, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court deny Plaintiff's motion as moot. ECF No. 19.

The R&R informed the parties that they had fourteen (14) days from the date of filing of the R&R, plus three days for service, to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to timely file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." To

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date, no objections have been filed.

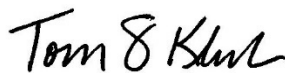
When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 19] and **DENIES AS MOOT** *Plaintiff's Motion to Supplement and Complete the Administrative Record* [ECF No. 14].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: February 15, 2024



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA